

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1429**

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**Introduced by Assembly Member Evans**

February 27, 2009

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An act to ~~amend Section 3533 of~~ *add Section 3533.5 to* the Government Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1429, as amended, Evans. Excluded employees: meet and confer rights.

Existing law, the Bill of Rights for State Excluded Employees, requires the state to meet and confer, upon request, with verified supervisory organizations representing supervisory employees on matters within the scope of representation, and requires a state employer to provide notice to, and meet and confer with, a verified supervisory employee organization prior to arriving at a determination of policy or course of action directly impacting supervisory employees. Existing law defines a "supervisory employee organization" and "managerial employees" for these purposes.

This bill would extend the rights described above to verified excluded employee organizations representing managerial or supervisory employees. The bill would require the state employer to ~~provide notice to, and to meet and confer with, these parties prior to determining policy or taking action that directly impacts excluded employees generally.~~ *meet and confer with these parties on matters relating to employee compensation, as provided. These provisions would not apply to managerial employees within the Department of Personnel Administration.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 3533.5 is added to the Government Code,  
2     to read:

3     3533.5. (a) Upon request, the state shall meet and confer with  
4     verified excluded employee organizations representing managerial  
5     employees on matters relating to employee compensation, including  
6     wages, benefits, and hours. “Meet and confer” shall mean that  
7     the state employer shall consider, as fully as it deems reasonable,  
8     any presentation that is made by the verified excluded employee  
9     organization on behalf of managerial employees prior to arriving  
10    at a determination of policy or course of action relative to  
11    employee compensation directly impacting managerial employees.  
12    The final determination of policy or course of action shall be the  
13    sole responsibility of the state employer.

14    (b) The meet and confer rights provided managerial employees  
15    pursuant to subdivision (a) shall not extend to managers within  
16    the Department of Personnel Administration, which represents the  
17    state employer on matters relating to employee compensation  
18    under this section.

19    ~~SECTION 1. Section 3533 of the Government Code is amended~~  
20    ~~to read:~~

21    ~~3533. (a) Upon request, the state shall meet and confer with~~  
22    ~~verified excluded employee organizations representing supervisory~~  
23    ~~or managerial employees on matters within the scope of~~  
24    ~~representation. Prior to arriving at a determination of policy or~~  
25    ~~course of action directly impacting excluded employees, the state~~  
26    ~~employer shall provide reasonable advance notice and provide the~~  
27    ~~verified supervisory or managerial employee organizations an~~  
28    ~~opportunity to meet and confer with the state employer to discuss~~  
29    ~~alternative means of achieving objectives. Advance notice may be~~  
30    ~~written, oral, or electronic. “Meet and confer” shall mean that the~~  
31    ~~state employer shall consider, as fully as it deems reasonable, any~~  
32    ~~presentation that is made by the verified supervisory or managerial~~  
33    ~~employee organization on behalf of excluded employees prior to~~  
34    ~~arriving at a determination of policy or course of action. The final~~

1 ~~determination of policy or course of action shall be the sole~~  
2 ~~responsibility of the state employer.~~  
3 ~~(b) If the state employer determines that, due to an emergency~~  
4 ~~or other immediate operational necessity, a law, rule, resolution,~~  
5 ~~or regulation must be adopted immediately without prior notice~~  
6 ~~or meeting and conferring with excluded employee organizations,~~  
7 ~~the state employer shall provide notice and opportunity to meet~~  
8 ~~and confer at the earliest practical time following the adoption of~~  
9 ~~the law, rule, resolution, or regulation.~~

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